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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,063	04/08/2004	Ryan Gordon	SONANCE.014A	9635

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EXAMINER

LUKS, JEREMY AUSTIN

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,063	GORDON, RYAN	
	Examiner	Art Unit	
	Jeremy Luks	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-43 and 49-55 is/are allowed.
- 6) ☒ Claim(s) 44-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/12/04, 1/18/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 44 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Silber (5,859,917).

With respect to Claim 48, Silber teaches positioning a main speaker unit (Figure 6, 6A, 6B; #14) at least partially within a speaker housing (22), such that an outward facing surface of the main speaker unit (14) slidably engages an inward facing concave surface of the speaker housing (22); and pivoting the main speaker unit (14) with respect to the speaker housing (22), such that the main speaker unit (14) pivots about a pivot point that is not located within the speaker housing.

With respect to Claim 48, Silber discloses wherein the pivot point is located on a speaker housing face plane (Figure 2, #14C) that is defined by a perimeter flange portion (12) of the speaker housing (22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silber (5,859,917) in view of Haase (6,101,262).

With respect to Claims 45-47, Silber is relied upon for the reasons and disclosures set forth above. Silber fails to disclose positioning an auxiliary speaker unit within the speaker housing, such that the auxiliary speaker unit has a fixed orientation with respect to the speaker housing; and pivoting the auxiliary speaker unit about a pivot point. However, Haase discloses positioning an auxiliary speaker unit (Figure 6, #40) within the speaker housing (12), such that the auxiliary speaker unit (40) has a fixed orientation with respect to the speaker housing (12); and pivoting the auxiliary speaker unit (40) about a pivot point.

It would have been obvious to one of ordinary skill in the art at the time the invention was to made to combine the apparatus of Silber with the structure of Hasse to allow sounds of the high and low frequency ranges to be directed in different directions so they can be reflected off of desired surfaces within a room to better equalize the frequency spectrum of the speaker output.

Allowable Subject Matter

3. Claims 1-43 and 49-55 are allowable. The following is a statement of reasons for the indication of allowable subject matter:

4. With respect to Claim 1-18, 31-39 and 49-55, the subject matter of this claim is allowable because the prior art fails to further teach the limitations describing the combination of a speaker support member attached to the speaker assembly and having an inward facing surface configured to slidably engage the outward facing convex surface of the housing interior curved track, wherein the speaker assembly and the speaker support member are pivotable around a pivot point that is forward of the transducer element.

5. With respect to Claim 19-30, the subject matter of this claim is allowable because the prior art fails to further teach the limitations describing the combination of a speaker support unit configured support a first speaker, the speaker support unit having an interior support member and an exterior support member, wherein the interior and exterior support members are separated by a gap; and a speaker housing having a pivot guide that is configured to be positioned in the gap between the speaker support unit interior and exterior support members, thereby allowing the speaker support unit to pivot relative to the speaker housing.

6. With respect to Claim 40-43, the subject matter of this claim is allowable because the prior art fails to further teach the limitations describing the combination of a method of assembling a speaker assembly, the method comprising: mounting a speaker support member to a main speaker unit such that a gap exists between a inward facing

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engagement surface of the speaker support member and an outward facing engagement surface of the main speaker unit, wherein the speaker support member supports a first speaker; positioning a speaker housing interior curved track portion of a speaker housing into at least a portion of the gap, such that an exterior side of the curved track portion engages the inward facing engagement surface, and an interior side of the curved track portion engages the outward facing engagement surface.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent arts of record relating to speaker assemblies are disclosed in the PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Luks whose telephone number is (571) 272-2707. The examiner can normally be reached on Monday-Thursday 8:30-6:00, and alternating Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 x33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeremy Luks
Patent Examiner

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A handwritten signature in black ink, appearing to read 'E. San Martin', is positioned above the printed name and title.

Edgardo San Martin
Primary Examiner